



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200500596

Date: August 11, 2006

Comments Due: September 10, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Chaquica residential subdivision project within the North Vineyard Specific Plan Area (NVSPA), which would result in impacts to approximately 1.728 acres of waters of the United States, including wetlands, which flow to Gerber Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Lennar Communities, Bob Shattuck  
1075 Creekside Ridge Road, Suite 110  
Roseville, California 95678  
916-783-3224

**LOCATION:** The 61-acre project site is located near the intersection of Gerber and Vineyard Roads in Section 4, Township 7 North, Range 6 East, Sacramento County, California, and can be seen on the Elk Grove USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a residential subdivision with associated infrastructure and local park. Based on the available information, the overall project purpose is to provide approximately 150 to 200 housing units within southern Sacramento County. The applicant believes there is a need to provide approximately 180 low density, single family residential units on approximately 34 acres within NVSPA. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 5.6 acres of vernal pools, seasonal wetlands, swales and a stock pond within the project area. The site is situated on rolling terrain with hilltops 75 feet above sea level. The project area has undeveloped parcels that include a livestock grazing pasture on the eastern boundary and fallow grassland on the north and west. Rural residences exist to the south. The southern border of the project area showed signs of human disturbance. The onsite plant community consists of a non-native grassland comprised of wild oats, Bermuda grass, ryegrass, and weedy species such as filaree and tarweed. Two willow trees grow in the northwest corner of the site near seasonal wetlands. The delineation map is overlain on the attached Preserve and Impact Plan.

**Alternatives.** The applicant has not provided information concerning project alternatives. However, the applicant has stated that a 404 b(1) Alternative Analysis report will be submitted. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered. Additionally, the project is consistent with the Onsite Preservation Alternative document prepared for the North Vineyard Station Specific Plan Area.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate for unavoidable direct impacts to 1.728 acres of waters of the U.S. by creating 1.728 acres of in-kind wetlands.

Additionally, for impacts to potential vernal pool habitat for listed crustaceans, the applicant proposes to preserve in-kind wetlands at a 2:1 ratio. Onsite avoidance and preservation is proposed for the 3.9 acres of seasonal wetlands and vernal pools located in the southeast portion of the site on the 17.5-acre open space preserve (lot B).

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of California is required for this project. The applicant has indicated they have applied for certification.

**HISTORIC PROPERTIES:** Based on the available information, including applicant's report entitled Cultural Resources Inventory, Chaquica Property, cultural resources not are within the project's area of potential effect.

**ENDANGERED SPECIES:** The proposed activity may affect the Federally-listed endangered or threatened species, vernal pool fairy shrimp, vernal pool tadpole shrimp, slender orcutt grass, Sacramento orcutt grass, Sanford's arrowhead or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. Plant surveys have been conducted on the parcel and will be included in the consultation.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general

environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200500596, must be submitted to the office listed below on or before September 10, 2006:

Anna Sutton, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Anna Sutton, 916-557-7759, [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil).

Attachments: 2 drawings